

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 578 be amended to read as follows:

- 1 Page 8, line 14, after "authority," insert "**the public finance**
- 2 **director, and any other employee or agent of the authority**
- 3 **authorized by resolution of the authority to handle funds or sign**
- 4 **checks,"**.
- 5 Page 8, line 14, delete "the member's" and insert "**the individual's**".
- 6 Page 8, line 15, strike "twenty-five" and insert "**fifty**".
- 7 Page 8, line 16, strike "(\$25,000)." and insert "**(\$50,000).**".
- 8 Page 8, line 16, strike "any member of the authority" and insert "**an**
- 9 **individual described in this section**".
- 10 Page 8, line 17, strike "member" and insert "**individual**".
- 11 Page 8, line 19, strike "member's" and insert "**individual's**".
- 12 Page 8, line 23, after "performance of the" insert "**individual's**".
- 13 Page 8, line 23, strike "of the office".
- 14 Page 8, line 24, strike "of the member".
- 15 Page 8, line 26, strike "member" and insert "**individual described**
- 16 **in this section**".
- 17 Page 15, line 27, after "hold" insert "**debt**".
- 18 Page 17, line 32, after "purchases" insert "**debt**".
- 19 Page 20, between lines 17 and 18, begin a new paragraph and insert:
- 20 "SECTION 25. IC 4-4-11-38 IS AMENDED TO READ AS
- 21 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 38. The authority shall,
- 22 following the close of each fiscal year, submit an annual report of its
- 23 activities **under the affected statutes** for the preceding year to the
- 24 governor, ~~Each member of the general assembly shall receive a copy of~~
- 25 ~~such report by making a request for it to the chairman of the authority.~~
- 26 **the budget committee, and the general assembly. A report**
- 27 **submitted to the general assembly must be in an electronic format**
- 28 **under IC 5-14-6.** Each report shall set forth a complete operating and
- 29 financial statement for the authority during the fiscal year it covers".
- 30 Page 37, line 33, delete "and may be removed for any reason".
- 31 Page 39, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 60. IC 5-1-16-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. Before the issuance of any bonds under this chapter:

(1) the executive director of the authority;

(2) **each member of the authority; and**

(3) **any other employee or agent of the authority authorized by resolution of the authority to handle funds or sign checks;**

shall execute a surety bond in the penal sum of fifty thousand dollars (\$50,000). If ~~the executive director of the authority an individual described in subdivisions (1) through (3)~~ is already covered by a bond required by state law, the ~~executive director individual~~ need not obtain another bond if the bond required by state law is in at least the penal sum specified in this section and covers the ~~executive director's individual's~~ activities for the authority. In lieu of this bond, the chairman of the authority may execute a blanket surety bond covering each member, the executive director, and the employees or other officers of the authority. Each surety bond must be conditioned upon the faithful performance of the **individual's** duties, ~~of the office of the member, executive director, employee, or officer,~~ and shall be issued by a surety company authorized to transact business in Indiana as surety. At all times after the issuance of any surety bonds, these surety bonds shall be maintained in full force and effect. All costs of the surety bonds shall be borne by the authority."

Page 43, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 63. IC 5-1-16-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 35. The authority shall submit an annual report of its activities for the preceding fiscal year to the governor, **the budget committee**, and the general assembly. An annual report submitted under this section to the general assembly must be in an electronic format under IC 5-14-6. ~~Each member of the general assembly who requests a written copy of the report from the chairman of the authority shall be sent a written copy.~~ Each report shall set forth a complete operating and financial statement for the authority during the fiscal year it covers."

Page 44, line 34, after "law," insert **"and except as provided by subsection (d),"**.

Page 45, between lines 3 and 4, begin a new paragraph and insert:

"(d) If the budget committee does not conduct a review of a proposed transaction under subsection (c) within forty-five (45) days after a request by the bank, the review is considered to have been conducted. If the budget director does not approve or disapprove a proposed transaction under subsection (c) within forty-five (45) days after a request by the bank, the transaction is considered to have been approved."

Page 45, line 21, after "law," insert **"and except as provided by subsection (e),"**.

Page 45, between lines 32 and 33, begin a new paragraph and insert:

"(e) If the budget committee does not conduct a review of a

1 proposed transaction under subsection (d) within forty-five (45)
 2 days after a request by the bank, the review is considered to have
 3 been conducted. If the budget director does not approve or
 4 disapprove a proposed transaction under subsection (d) within
 5 forty-five (45) days after a request by the bank, the transaction is
 6 considered to have been approved."

7 Page 57, between lines 15 and 16, begin a new paragraph and insert:

8 "SECTION 75. IC 5-20-1-3.5 IS ADDED TO THE INDIANA
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2005]: Sec. 3.5. Before the issuance of any
 11 bonds under this chapter:

12 (1) the executive director of the authority;

13 (2) each member of the authority; and

14 (3) any other employee or agent of the authority authorized by
 15 resolution of the authority to handle funds or sign checks;

16 shall execute a surety bond in the penal sum of fifty thousand
 17 dollars (\$50,000). If an individual described in subdivisions (1)
 18 through (3) is already covered by a bond required by state law, the
 19 individual need not obtain another bond if the bond required by
 20 state law is in at least the penal sum specified in this section and
 21 covers the individual's activities for the authority. In lieu of this
 22 bond, the chairman of the authority may execute a blanket surety
 23 bond covering each member, the executive director, and the
 24 employees or other officers of the authority. Each surety bond must
 25 be conditioned upon the faithful performance of the individual's
 26 duties, and shall be issued by a surety company authorized to
 27 transact business in Indiana as surety. At all times after the
 28 issuance of any surety bonds, these surety bonds shall be
 29 maintained in full force and effect. All costs of the surety bonds
 30 shall be borne by the authority."

31 Page 63, between lines 33 and 34, begin a new paragraph and insert:

32 "SECTION 78. IC 5-20-1-18 IS AMENDED TO READ AS
 33 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. The authority shall,
 34 promptly following the close of each fiscal year, submit an annual
 35 report of its activities for the preceding year to the governor, **the**
 36 **budget committee**, and the general assembly. An annual report
 37 submitted under this section to the general assembly must be in an
 38 electronic format under IC 5-14-6. The report shall set forth a complete
 39 operating and financial statement of the authority during such year, and
 40 a copy of such report shall be available to inspection by the public at
 41 the Indianapolis office of the authority. The authority shall cause an
 42 audit of its books and accounts to be made at least once in each year by
 43 an independent certified public accountant and the cost thereof may be
 44 paid from any available money of the authority."

45 Page 70, between lines 1 and 2, begin a new paragraph and insert:

46 "SECTION 92. IC 8-10-1-3 IS AMENDED TO READ AS
 47 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) There is hereby

created a commission to be known as the "Indiana port commission" and by that name the commission may sue and be sued, and plead and be impleaded. The commission hereby created is a body both corporate and politic in the state of Indiana, and the exercise by the commission of the powers conferred by this article in the construction, operation and maintenance of a port or project shall be deemed and held to be essential governmental functions of the state, but the commission shall not however be immune from liability by reason thereof.

(b) The commission shall consist of seven (7) members, appointed by the governor, no more than four (4) of whom shall be members of the same political party. The members shall be residents of the state, and shall have been qualified electors therein for a period of at least five (5) years next preceding their appointment. The members of the commission first appointed shall continue in office for terms expiring, in the case of two (2) members, on July 1, 1962, and in the case of three (3) members, on July 1, 1963, July 1, 1964, and July 1, 1965 and the first two (2) members appointed after January 1, 1975, shall continue in office for terms expiring July 1, 1977 for one (1) member and July 1, 1979 for the other member, respectively, and until their respective successors shall be duly appointed and qualified. The term of any member of the commission first appointed shall be designated by the governor. The successor of each such member shall be appointed for a term of four (4) years, except that any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term, and a member of the commission shall be eligible for reappointment. The governor may at any time remove any member of the commission for misfeasance, nonfeasance, or malfeasance in office. The members of the commission shall, within ten (10) days after their appointment, meet and qualify by subscribing an oath to discharge honestly and faithfully the duties of their office as members of such commission. The commission shall thereafter elect one (1) of the members as chairman and another as vice-chairman, and shall appoint a secretary-treasurer who need not be a member of the commission. Four (4) members of the commission shall constitute a quorum and the affirmative vote of four (4) members shall be necessary for any official action taken by the commission. No vacancy in the membership of the commission shall impair the rights of a quorum to exercise all the rights and perform all the duties of the commission.

(c) Before the issuance of any revenue bonds under the provisions of this article:

(1) each appointed member of the commission; ~~shall give a surety bond to the state in the penal sum of twenty-five thousand dollars (\$25,000) and~~

(2) the secretary-treasurer; and

(3) any other employee or agent of the commission authorized by resolution of the commission to handle funds or sign checks;

shall give a surety bond to the state in the penal sum of fifty thousand

dollars (\$50,000). Each such surety bond must be conditioned upon the faithful performance of the **individual's** duties, ~~of the office~~, to be executed by a surety company authorized to transact business in the state as surety and to be approved by the governor and filed in the office of the secretary of state.

(d) Each appointed member of the commission shall receive an annual salary of seven thousand, five hundred dollars (\$7,500), payable in monthly instalments. However, no members of such commission as appointed hereunder shall receive any salary except a per diem as fixed and approved by the budget director until said commission is able to carry on the full operations as intended by this chapter, and the budget director, subject to the approval of the governor of the state of Indiana, shall determine when said salaries for said commission members shall commence.

(e) Each member shall be reimbursed for his actual expenses necessarily incurred in the performance of his duties.

(f) All expenses incurred in carrying out the provisions of this article shall be payable solely from funds provided under the authority of this article and no liability or obligation shall be incurred by the commission hereunder beyond the extent to which moneys shall have been provided under the authority of this article."

Page 70, line 11, strike "fifty (50)" and insert "**thirty-five (35)**".

Page 71, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 94. IC 8-10-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. (a) The commission shall cause an audit of its books and accounts to be made at least once each year by certified public accountants and the cost thereof may be treated as a part of the cost of construction or of operations of the commission's ports and projects. The accounts, books and records of the Indiana port commission shall be audited annually by the state board of accounts, and the cost of such audit may be treated as a part of the cost of construction or of operations of the commission's ports and projects.

(b) The commission shall, following the close of each fiscal year, submit an annual report of its activities for the preceding year to the governor, ~~Each member of the general assembly shall receive a copy of the report by making a request for it to the chairman of the commission; the budget committee, and the general assembly. An annual report submitted under this section to the general assembly must be in an electronic format under IC 5-14-6.~~ Each report shall set forth a complete operating and financial statement for the commission during the fiscal year it covers."

Page 84, line 26, delete "(8)".

Page 84, line 26, strike "Prepare".

Page 84, line 26, strike "annual reports".

Page 84, strike lines 27 through 31.

Page 84, line 32, delete "(9)".

Page 84, line 32, strike "Submit the reports prepared under subdivision".

- 1 Page 84, line 32, delete "(8)".
- 2 Page 84, line 32, strike "to".
- 3 Page 84, line 33, before "governor" strike "the".
- 4 Page 85, delete line 1.
- 5 Page 85, line 2, delete "(10)" and insert "(8)".
- 6 Page 85, line 5, delete "(11)" and insert "(9)".
- 7 Page 85, line 7, delete "(12)" and insert "(10)".
- 8 Page 85, line 8, delete "(13)" and insert "(11)".
- 9 Page 97, line 22, delete "(9)".
- 10 Page 97, line 22, strike "Submit the reports prepared under
- 11 subdivision".
- 12 Page 97, line 22, delete "(8)".
- 13 Page 97, line 22, strike "to".
- 14 Page 97, line 23, before "governor" strike "the".
- 15 Page 97, delete line 33.
- 16 Page 97, line 34, delete "(10)" and insert "(9)".
- 17 Page 97, line 37, delete "(11)" and insert "(10)".
- 18 Page 97, line 39, delete "(12)" and insert "(11)".
- 19 Page 97, line 40, delete "(13)" and insert "(12)".
- 20 Page 98, line 4, delete "(a)".
- 21 Page 98, delete lines 27 through 37.
- 22 Page 108, line 8, delete "(a)".
- 23 Page 108, delete lines 12 through 23.
- 24 Page 113, strike line 13.
- 25 Page 113, line 14, strike "and".
- 26 Page 113, line 14, delete "before October 1 of each year".
- 27 Page 113, line 14, strike "submit the reports to the".
- 28 Page 113, line 17, delete "members of the authority and the".
- 29 Page 113, delete line 18.
- 30 Page 113, line 19, delete "(8)" and insert "(7)".
- 31 Page 113, line 26, delete "(9)" and insert "(8)".
- 32 Page 113, line 33, delete "(10)" and insert "(9)".
- 33 Page 113, line 35, delete "(11)" and insert "(10)".
- 34 Page 113, line 37, delete "(12)" and insert "(11)".
- 35 Page 113, line 39, delete "(13)" and insert "(12)".
- 36 Page 122, between lines 10 and 11, begin a new paragraph and
- 37 insert:
- 38 "SECTION 171. IC 15-1.5-2-14 IS ADDED TO THE INDIANA
- 39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 40 [EFFECTIVE JULY 1, 2005]: **Sec. 14. Before the issuance of any**
- 41 **bonds under this chapter:**
- 42 **(1) the executive director of the commission;**
- 43 **(2) each member of the commission; and**
- 44 **(3) any other employee or agent of the commission authorized**
- 45 **by resolution of the commission to handle funds or sign**
- 46 **checks;**
- 47 **shall execute a surety bond in the penal sum of fifty thousand**

dollars (\$50,000). If an individual described in subdivisions (1) through (3) is already covered by a bond required by state law, the individual need not obtain another bond if the bond required by state law is in at least the penal sum specified in this section and covers the individual's activities for the authority. In lieu of this bond, the chairman of the commission may execute a blanket surety bond covering each member, the executive director, and the employees or other officers of the commission. Each surety bond must be conditioned upon the faithful performance of the individual's duties, and shall be issued by a surety company authorized to transact business in Indiana as surety. At all times after the issuance of any surety bonds, these surety bonds shall be maintained in full force and effect. All costs of the surety bonds shall be borne by the commission.

SECTION 172. IC 15-1.5-3-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 10. The commission shall, promptly following the close of each fiscal year, submit an annual report of its activities for the preceding year to the governor, the budget committee, and the general assembly. An annual report submitted under this section to the general assembly must be in an electronic format under IC 5-14-6. The report shall set forth a complete operating and financial statement of the commission during that year."**

Page 123, line 38, after "recommendation" insert "**of the staff**".

Page 124, line 4, after "recommendation" insert "**of the staff**".

Page 124, line 12, after "recommendation" insert "**of the staff**".

Renumber all SECTIONS consecutively.

(Reference is to SB 578 as printed February 25, 2005.)

Senator HERSHMAN